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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,855	07/31/2003	Peter G. Odell	115801	9083
27074	7590	11/15/2004		
OLIFF & BERRIDGE, PLC. P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER KEEHAN, CHRISTOPHER M	
			ART UNIT 1712	PAPER NUMBER

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,855

Applicant(s)

ODELL ET AL.

Examiner

Christopher M. Keehan

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-25 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-18, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Puyenbroek (6,072,010). Regarding claims 1, 9, 10, Puyenbroek discloses a polyetherimide-b-polysiloxane block copolymer comprising etherimide blocks and siloxane blocks, wherein the copolymer contains more than 50% by weight of the polysiloxane blocks (col.6, line 26-col.7, line 2). It is clear from the formulae disclosed by Puyenbroek that b can be from about 1 to about 40, which can result in a copolymer that contains more than 50% by weight of the polysiloxane blocks, and at least a substrate and thereon a surface layer of the composition of Puyenbroek (col.9, lines 62-65).

Regarding claims 2, 5, and 12, Puyenbroek discloses etherimide blocks that satisfy the claimed formula (col.1, line 57-col.3, line 33).

Regarding claims 3, 6, and 13, Puyenbroek discloses siloxane blocks that satisfy the claimed formula (col.6, line 50-col.7, line 20).

Regarding claims 4, 8, and 11, Puyenbroek discloses a halogenated polyetherimide-b-polysiloxane block copolymer as claimed (as set forth above and the brominated structures at col.2, lines 40-54). It is clear from the formulae as set forth

that they can be manipulated to contain at least 5% by weight halogen, more specifically in the range as instantly claimed.

Regarding claims 14-18, Puyenbroek discloses an aromatic bis(ether anhydride) and organic diamine as claimed (col.4, line 15-col.5, line 33).

Regarding claim 24, Puyenbroek discloses additives selected from the group as claimed (col.9, lines10-14).

Claims 9, 19, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlueter, Jr. et al, hereinafter Schlueter et al. (6,201,945 B1). Regarding claims 9, 19, and 21-25, Schlueter et al. disclose a member comprising at least a substrate and thereon a surface layer comprised of polyether-b-polysiloxane block copolymer comprising etherimide blocks and polysiloxane blocks (col.8, lines 5-9), more specifically coated on a fusing member of a copying device and a substrate as claimed (col.7, line 59-col.8, line 30, col.9, lines 51-65, and col.11, lines 41-67).

Claims 1-18, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Reitz et al. (2003/0057601). The examiner is relying on the priority date of the provisional application (60/285323, filed on April 19, 2001) for Reitz et al. Regarding claims 1, 4, 7, 9, and 10, Reitz et al. disclose discloses a polyetherimide-b-polysiloxane block copolymer comprising etherimide blocks (section 0028-0029) and siloxane blocks, wherein the copolymer contains more than 50% by weight of the polysiloxane blocks (section 0044-0045), line 2) and the instantly claimed amount of fluorine (claim 15) and

at least a substrate and thereon a surface layer of the composition of Reitz et al. (section 0083). It is clear from the formulae disclosed by Reitz et al. that b can be from about 1 to about 200, which can result in a copolymer that contains more than 50% by weight of the polysiloxane blocks, and an amount of fluorine as claimed.

Regarding claims 2, 5, and 12, Reitz et al. disclose etherimide blocks that satisfy the claimed formula (sections 0024-0029).

Regarding claims 3, 6, and 13, Reitz et al. disclose siloxane blocks that satisfy the claimed formula (sections 0044-0045).

Regarding claims 4, 8, and 11, Reitz et al. disclose a halogenated polyetherimide-b-polysiloxane block copolymer as claimed (the brominated structures at section 0024 and as set forth in claim 1). It is clear from the formulae as set forth that they can be manipulated to contain at least 5% by weight halogen, more specifically in the range as instantly claimed.

Regarding claims 14-18, Reitz et al. disclose an aromatic bis(ether anhydride) and organic diamine as claimed (sections 0032-0037-).

Regarding claims 21-23, Reitz et al. disclose substrates as claimed (sections 0083-0085).

Allowable Subject Matter

Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not appear to teach

or disclose a member with the claimed coating layer thereon as claimed in a ballistic aerosol marking printing system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (571) 272-1087. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Keehan
November 10, 2004

Christopher Keehan
Art Unit 1712
ceh